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PTO/SB/21 (08-00)

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/853,450	RECEIVED
	Filing Date	May 9, 2001	
	First Named Inventor	Yanofsky, Martin F.	DEC 05 2002
	Group Art Unit	1638	TECH CENTER 1600/2900
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission	Attorney Docket Number	19452A-002400US	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm and Individual name	Townsend and Townsend and Crew LLP Matthew E. Hinsch Reg. No. 47,651
Signature	
Date	November 27, 2002

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TOWNSEND and TOWNSEND and CREW LLP

By: Joy M. Marshall

Attorney Docket No.: 19452A-002400US
Client Ref. No.: SD 1998-069

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DEC 05 2002

TECH CENTER 1600/2900

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

YANOFSKY et al.

Application No.: 09/853,450

Filed: May 9, 2001

For: COMBINATIONS OF GENES FOR
PRODUCING SEED PLANTS
EXHIBITING MODULATED
REPRODUCTIVE DEVELOPMENT

Examiner: Stuart F. Baum

Art Unit: 1638

RESPONSE TO RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 27, 2002, Applicants hereby elect with traverse the claims of Group I (claims 1-10, 12, 14-35, 37 and 39-65). In addition, Applicants elect SEQ ID NO:2 from "Group A" and SEQ ID NO:32 from "Group B" as specified by the Examiner.

According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that

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PATENT

examination of the claims in Groups I-IV would not create an undue burden and respectfully request withdrawal of the restriction requirement in this case.

Respectfully submitted,



Matthew E. Hinsch
Reg. No. 47,651

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